merely the judgment, which, however, includes a full but formal recital of the facts and reasons on which the judgment is based." The statement thus quoted might, we think, give rise to an unintended, but erroneous impression. In the French reporting there is, we believe, practically no such thing as an "opinion" of the court, as distinguished from the "judgment." We are also quite prepared to add that we consider the absence of such a distinction to be most fortunate. A judgment in the French form in reality furnishes the scientific ideal of what an opinion of a court should be, since it presents in orderly procession the facts, the reasons and the decree all in one consolidated document.

Many of the cases in the present collection are accompanied with notes. The editor states in this relation that the cases thus cited by him by no means exhaust the authorities. This is necessarily so; but the citations, as we find them, are judiciously made and accomplish the editor's design of showing the actual state of authority on the particular questions involved.

Any review of the editor's work would be incomplete that omitted to notice his "Summary of the Conflict of Laws" at the end of the third volume. This summary, which occupies forty-five pages, presents a convenient and useful survey of the rules laid down in the numerous cases that precede it.

A TREATISE ON THE LAW OF AGENCY. By George L. Reinhard. Indianapolis: The Bowen-Merrill Co., 1902.

This is the latest treatise on the subject of agency, a topic which has heretofore been too much neglected by the writers of text-books. It is a very readable book, and contains a lucid and succinct statement of the substance of the numerous authorities cited in it. The author avows his purpose to be accurate, rather than original. In respect to avoiding originality he has been completely successful, and the result is that the book is better adapted for the uses of the practitioner than the student. It follows substantially the lines and classifications of Mechem's work, published in 1889, but it is more compact and readable, and a very much more handy volume, being about three-fourths of the size of the earlier work; and, of course, it has an advantage in being thirteen years younger, although we cannot agree with the suggestion of the author that the Law of Agency is undergoing more rapid development and modification than any other branch of the substantive law. True to his purpose of avoiding originality, the author has not undertaken to throw any new light on the subjects of Undisclosed Principal or Ratification, the topics which involve, more than others, what is peculiar to the Law of Agency. The case of Watteau *v.* Fenwick,[1] involving an entirely new doctrine in the law of Undisclosed Principal, is cited in connection with Higgins *v.* Senior, with which it has nothing to do. The recent and important case of Keighley *v.* Durant[2], involving a most interesting question in the law of ratification, is not referred to at all, nor is there any discussion of the question itself.

The author states that his desire to be accurate, rather than original, results from "his experience at the bar, on the bench and in the

[1] [1893] 1 Q. B. 346. [2] [1901] A. C., 240.

class-room, that the profession wants books to aid in the search for the law as it is." Assuming that by the phrase "the law as it is" the author means the decisions of the courts and judicial opinions, it is undoubtedly true that a busy lawyer needs all the aid he can get to find the actual decisions upon the precise point in issue, for in the lower courts a case "on all fours," and, perhaps, an analogous case, will decide the issue in his favor, and even in the appellate tribunals, where there is still some chance for discussion of the question on principle, such cases may have a very important, if not a controlling, influence. But we must not lose sight of the fact that judicial decisions and opinions are not "the law as it is" in the true sense of the term. They are in fact what they are in name, that is, opinions merely as to what the law is, and what the student needs and should strive to discover are the underlying principles and fundamental reasons which do not lie on the surface and can be extracted from the cases only by close study and analysis. Hence a text-book, which aims to be not merely accurate, but also original in the sense of presenting in a new and clearer light these principles and reasons, is a better and more *practical* one for the student than the text-book which is simply a fairly accurate summary of the substance of judicial decisions and judicial opinions. So far as the Law of Agency is concerned, there is more need at the present time of the former than of the latter kind of text-book.

A TREATISE ON THE LAW OF BANKS AND BANKING. By John T. Morse. Jr. Fourth Edition. By Frank Parsons. Boston: Little, Brown & Co., 1903. Two volumes. pp. cv., 1490.

Morse on Banking has long enjoyed an excellent and well-deserved reputation, not only with bankers, but with the legal profession as well. It gained this reputation while confined to the modest dimensions of a single volume. Even if its authority has not increased as rapidly as its bulk has expanded, that expansion has made the two volumes of the present edition far more serviceable to the practicing lawyer than the original work. Many subjects are discussed more fully, and the number of cited cases has been quadrupled.

The scope of this treatise is described by Mr. Parsons with much care in his preliminary chapter. It is not confined to such part of the law as owes its existence to the business of banking. On the other hand it does not attempt to deal with every legal question which affects bankers. Its aim is to group in a single treatise "the law peculiar to banks, and such further matter as is of frequent application in or has a very important bearing upon their business." Accordingly, the principal topics are: The Organization and Business of Banks: Their Officers and Agents; Deposits; Checks; Bills and Stock; National Banking Laws.

Some of these topics are discussed with very great fulness—with such fulness, in fact, as to give to parts of the work an encyclopædic character, which the editor in his preface declared his intention to avoid. For example, in the chapters on Officers and Agents we find a discussion of the tort liability of a master to a servant, for the misconduct of a fellow-servant, and a reference to the archaic distinction between misfeasance and nonfeasance, as a ground of the